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Palo Alto (Calif.)

Charter of the city of Palo Alto. 1982.

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CHARTER
OF THE
CITY OF PALO ALTO

Incorporated April 23, 1894

Stats. 1909, p. 1175
Amended:
Stats. 1191, p. 2040
Stats. 1917, p. 1859
Stats. 1921, p. 2167
Stats. 1933, p. 2746
Stats. 1950, Ch. 7
Stats. 1951, Ch. 40
Stats. 1961, Ch. 190
Stats. 1965, Ch. 25, ACR 20
Stats. 1965, Ch. 136, ACR 161
Stats. 1967, Ch. 103, ACR 106
Stats. 1968, Ch. 163, ACR 143
Stats. 1969, Ch. 223, ACR 192
Stats. 1972, Ch. 71, ACR 117
Filed with Secretary of State, July 1, 1976
Filed with Secretary of State, November 26, 1976
Filed with Secretary of State, July 17, 1978
Filed with Secretary of State, May 30, 1979
Filed with Secretary of State, December 12, 1979
Filed with Secretary of State, December 10, 1982

NOTE: This is the 1950 Charter adopted by Stats. 1950, Ch. 7, all changes since 1950 are indicated. Catchlines have been supplied as the original had no catchlines.

OFFICE OF THE CITY ATTORNEY
August 2, 1965

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Article I. Boundaries of the City

The boundaries of the City of Palo Alto shall contain that territory within its present borders. The territory embraced therein may be added to or diminished in accordance with the laws of the State of California governing the annexation and exclusion of territory by municipalities.

Article II. Powers

The City of Palo Alto, by and through its council and other officials, shall have and may exercise all powers necessary and appropriate to a municipal corporation and the general welfare of its inhabitants which are not prohibited by the Constitution of the State of California or by this charter, and which it would be competent for this charter to set forth specifically, and the specification herein of any particular powers shall not be held to be exclusive of, or any limitation upon, the general grant of powers heretofore or hereafter granted to municipal corporations by the constitution or general laws.

Article III. Council

Sec. 1. Powers. All powers herein granted to and vested in the City of Palo Alto shall, except as herein otherwise provided, be exercised by a council to be designated the Council of the City of Palo Alto; and said council shall, except as herein otherwise provided, have the power to fix and establish the method and manner in which such powers shall be exercised.

Sec. 2. Number; term. Commencing July 1, 1971, said council shall be composed of nine members, each of whom shall at the time of assuming such office be an elector and shall have been a resident of the City of Palo Alto for at least thirty days next preceeding the final filing date for nomination papers for such office. The members of said council shall be known as councilmen, councilwomen, or council members and their terms of office shall be four years, commencing on the first day of January next succeeding their election. The terms of council members who took office on July 1, 1977, shall expire on December 31, 1981. (Amended by Stats. 1965, ACR No. 20 and by Stats. 1965, ACR No. 161 and by Stats. 1972, Ch. 71, 7-7-72,

by amendment filed with Secretary of State, July 1, 1976 and by amendment filed with Secretary of State, December 12, 1979).

Sec. 3. Time of election. A regular election shall be held in the City of Palto Alto on the first Tuesday after the first Monday in November of each odd numbered year, and the same shall be known as the general municipal election. All other municipal elections that may be called under the authority of this charter, or by the general laws, shall be known as special elections. (Amendment filed with Secretary of State, December 12, 1979).

Sec. 4. Elections. All elections called and held in said City shall be held and conducted in manner and form as required by the general laws of the state governing elections within municipalities, provided that the council may by ordinance determine the manner of holding elections, the number of voting precincts, the naming of election officers, and shall act as a canvassing board to canvass the results of such elections.

Sec. 5. Council to fix time and place of meetings. Said council shall fix a time and place for its regular meetings and may adopt rules to govern its proceedings.

Sec. 6. Quorum; absent members; fines. A majority of the council shall constitute a quorum for the transaction of business; but a less number may adjourn from time to time and compel the attendance of absent members, and impose such fines as it may deem proper upon members refusing or neglecting to attend such meetings. (Amended by Stats. 1965, ACR No. 20).

Sec. 7. Majority vote necessary. No ordinance or resolution shall be passed, no appointment made, no officer removed, and no contract shall be awarded without the affirmative vote of a majority of the council. (Amended by Stats. 1965, ACR No. 20).

Sec. 8. Mayor; election; duties. The council shall, at its first meeting in January, elect one of its number as its presiding officer, who shall have the title of mayor, and one of its number to be vice-mayor, who shall serve for one year after their election, and until their successors are elected and qualified. The mayor and vice-mayor shall serve until election and qualification of their successors in January 1982. The mayor shall preside at all meetings of the council, shall sign all official documents when the signature of the council or mayor is required by law, and shall act as official head of the city on public or ceremonial occasions. The mayor shall not have any regular administrative duties but may act as ex officio member of all boards, commissions, and committees. The mayor shall vote as other members of the council, but shall have no power of veto. The mayor shall have the power to administer oaths and affirmations. The mayor shall perform such other duties as from time to time are assigned by the council. When the mayor is absent from any

meeting of the council or incapable of performing his or her duties, the vice-mayor shall, during such time, have the full powers of the mayor. A vacancy in the positions of mayor or vice-mayor shall be filled by the council for the unexpired term. (Amended by Stats. 1972, Ch. 71, 7-7-72 and by amendment filed with Secretary of State, December 12, 1979).

Sec. 9. Officers appointed by council; boards, committees, and commissions. The council shall appoint a city manager, clerk, attorney, and controller, and, except as otherwise provided, may by ordinance or otherwise create or abolish offices, boards, committees, or commissions, and provide for their manner of appointment, their tenure, and the duties which they shall perform. (Amended by Stats. 1965, Ch. 25, 2-19-65 and by Stats. 1968, Ch. 163, 7-8-68 and by Stats. 1972, Ch. 71, 7-7-72).

Sec. 10. Vacancy on council. A vacancy on the council may be filled by a majority of the remaining members of the council, and the appointee shall hold office until the first day of January succeeding the next election at which council members are to be elected. At the next election succeeding any vacancy a council member shall be elected to serve for the unexpired term. If the council fails to fill such vacancy within 60 days of such vacancy or the council chooses to fill such vacancy by election, it shall forthwith call a special election, at which a council member shall be elected to serve for the unexpired term. (Amended by Stats. 1972, Ch. 71, 7-7-72 and by amendment filed with the Secretary of State, December 12, 1979).

Sec. 11. Levy of taxes; rate; increase in levy. The council shall by ordinance provide for the assessment of city property for city taxes, the equalization and correction of the assessment, the collection, payment and enforcement of the taxes, including delinquent taxes, and the redemption of property from sale or other penalty for nonpayment of city taxes. On or before September first in each year, it shall levy such tax as may be necessary to raise revenue for the maintenance and operation of the City and the several departments during the fiscal year, but such tax levy for all municipal purposes, except for the payment of interest and principal of the bonded debt and the contribution of the city to employees' retirement, shall not exceed the sum of one hundred twenty-five cents upon each one hundred dollars of assessed valuation as the same appears upon the assessment roll. If in the judgment of a majority of the council it should be necessary to provide a revenue in excess of the sum realized from the levy herein provided, the question of the levy of an additional property tax shall be submitted to the electors, and a special election may be held for that purpose. The additional sum or rate required to be raised by such additional tax levy shall be expressed upon the ballot. If a majority of the votes cast upon such proposition shall be in favor of authorizing the council to levy such additional rate, then the council may levy the additional tax so

authorized for one fiscal year only (Amended by Stats. 1968, Ch. 163, 7-8-68).

Sec. 12. Budget contents; transfer of funds. It shall be the duty of the council, upon the recommendation of the city manager, to consider and, after a public hearing, adopt a budget for each fiscal year. After the adoption of a budget, transfers of appropriations from one department to another may be made only by a majority vote of the council. This budget shall include the estimated receipts and expenditures of all public funds, except those which are trust funds, from whatever source they are derived. All expenditures made on behalf of the City, directly or through any agency, except those required to be made by State law, must be made in accordance with the authorization contained in the appropriation ordinance. The form in which this budget is adopted shall determine the method to be followed in all accounting by all representatives and administrative agents of the City. The council shall set all salary and wage scales, determine the procedure for the payment of all demands against the City, and the duties of the City's several officers in respect thereto. Additional appropriations of receipts in excess of the total appropriations made by the budget may be made by a two-thirds vote of the council.

Sec. 13. Council to establish utility rates. The council shall establish rates for all revenue producing utilities owned, controlled, or operated by the City.

Sec. 14. Ordaining clause. The ordaining clause of all ordinances adopted by the council shall be, "The Council of the City of Palo Alto does ordain as follows," and the ordaining clause of all ordinances adopted in accordance with the provisions of Article VI shall be, "The people of the City of Palo Alto do ordain as follows."

Sec. 15. Franchises granted by electors; term. No franchise shall be granted by the council, but may be granted by the electors by ordinances proposed and adopted as provided in Section 2 of Article VI of this charter, provided, that the petition therefor shall be signed by qualified and registered voters equal in number to at least twelve percentum of the number of registered voters at the last preceding general municipal election; and provided further, that no franchise shall be granted for a longer term than twenty-five years. (Amended by Stats. 1969, Ch. 223, 6-26-69).

Sec. 16. Annual report. The council shall publish annually a financial report of the City which shall be available to taxpayers.

Sec. 17. Salary of council members; council members barred from other city office. No member of the council shall hold any other office or

employment the compensation for which is paid out of the moneys of this City. No member of the council shall be elected or appointed to any city office for which compensation is paid until one year after the termination of membership in the council, either by resignation or expiration of such council member's term. Compensation may be paid council members in amounts not to exceed those provided by general law. (Amended by Stats. 1969, Ch. 223, 6-26-69 and by Stats. 1972, Ch. 71, 7-7-72).

Sec. 18. Administrative code; contents. Within six months after the adoption of this amended charter, the council shall adopt by ordinance an administrative code providing for a complete plan of administrative organization of the City government, which will cover all matters concerning the powers, duties, term of office, procedure of all the officers, boards and

commissions, and employees of the City; provided, however, that the provisions of said code shall not be in conflict with any of the provisions of this charter. This administrative code will cover all rules and regulations relating to fiscal operations, personnel management, election procedure, and other matters concerning the operation of the functions of the City government.

Sec. 19. Contract with state retirement system. The council is empowered to enter into a contract with the Board of Administration of the California State Employees' Retirement System, making the employees of the City members of said system, and for this purpose may levy a tax sufficient to pay costs and expenses of the share which the city must contribute to maintain employee participation. It is provided, however, that the council may terminate this contract only upon authority granted by an ordinance adopted by a majority vote of the electors of the City voting on such a proposition at an election at which such proposition to discontinue the contract is presented.

Sec. 20. Assignment of officers' duties. The council may, by ordinance, assign additional duties and powers to officers, departments, commissions, and boards provided in this charter, or may reassign functions from one office to another, or may combine in one office the powers and duties of another office, provided that the offices of city manager and controller may not be combined and that an office to which the manager makes the appointment shall not be combined with one to which the appointment is made by the council.

Sec. 21. Bonds; deputies and assistants. The council may require any of the city officers and deputies to give official bonds in such sums as it may deem proper, and the City shall pay all premiums upon surety bonds when such bonds are given. It may provide for the appointment of such deputies and assistants as may be required, and shall fix the compensation of such officers, deputies, and assistants in the annual appropriation ordinance. All officers shall perform such services as the council may require.

Sec. 22. Board of compensation referees; boards advisory only. The council may appoint a board of compensation referees to act upon all claims against the city arising under the workmen's compensation provisions of the Labor Code of the State of California. All other boards, commissions, and committees appointed by the council or by any officer of the City under the provisions of this charter or under any ordinance adopted by the council shall be advisory only and shall exercise no governmental or administrative powers.

Sec. 23. Continuation of government; disaster. The Council may by ordinance or resolution, provide for the preservation and continuation of government in the event of disaster which renders unavailable a majority of the Council. (Amended by Stats. 1961, Ch. 190, 6-7-61).

(PALO ALTO 11-1-68)

Article IV. Duties of Officers

Sec. 1. Council appointed officers. The Council shall appoint the city manager, clerk, attorney and controller, who shall serve at its pleasure. (Amended by Stats. 1965, Ch. 25, 2-19-65 and by Stats. 1968, Ch. 163, 7-8-68).

Sec. 2. Qualifications of city manager. The city manager shall be the chief administrative officer of the City. He shall be chosen without regard to political consideration and solely with reference to his executive and administrative qualifications. He shall be a citizen of the United States, but need not be a resident of the State of California or of the City at the time of his appointment, but promptly thereafter he shall become and thereafter remain, during his incumbency, an actual resident of the City. No member of the council shall, during his term of office, or for one year thereafter, be eligible to hold the position of city manager.

Sec. 3. Appointment and removal of city manager. The city manager shall be appointed for an indefinite term by a majority vote of the council, and may be removed by resolution at the pleasure of the council, by a two-thirds vote thereof. Before he may be removed, he shall, if he so demands, be given a written statement of the reasons for his removal and the right to be heard publicly thereon at a meeting of the council prior to the final vote on the resolution providing for his removal, but pending and during such hearing the council may suspend him from office. The action of the council in suspending or removing the city manager shall be final and conclusive. Upon any vacancy occurring in the office of the city manager subsequent to the first appointment hereunder, the council shall, without delay, adopt a resolution of its intention to appoint a city manager, which resolution shall be published once in the official newspaper of the City. No appointment shall be made in less than thirty days after such publication. This provision, however, shall not affect the appointment of a city manager pro tem as herein provided.

Sec. 4. Bond of city manager. The city manager shall, before entering upon his duties, file with the city clerk an official bond, payable to the City, for the faithful performance of his duties. The amount of this bond shall be fixed by the council and shall be not less than five thousand dollars ($5,000.00), the premium for which shall be paid by the City.

Sec. 5. Salary of manager. The city manager shall be paid a salary commensurate with his duties and responsibilities as the chief administrative officer of the City.

Sec. 6. Duties of city manager. It shall be the duty of the city manager: a. To devote his entire time to the discharge of his official duties.

b. To see that all ordinances are enforced.

c. To appoint all officers, heads of departments, and employees of the departments under his control, and remove the same for cause, and

(PALO ALTO 11-1-68)

have general supervision and control over the same, subject to rules and regulations established by the council for a merit system of appointments and promotions; provided, however, that the appointment of all officers and heads of departments shall be subject to the approval of the council. He may, with the approval of the council, act as head or assume the executive position of any department of the City under his control for which he is qualified by training and experience.

d. To attend all meetings of the council unless excused therefrom by the council.

e. To act as ex officio member of all boards and commissions.

f. To keep the council advised on the needs of the City.

g. To prepare and submit to the council an annual budget estimate for all departments under his control, together with the budget estimates prepared by the heads of the several other departments, and such reports as the council may require, including the annual reports of all departments of the City.

h. To prepare, or cause to be prepared, plans and specifications for work which the council may order; and to provide such plans and specifications in sufficient number and in ample time to give full opportunity for all contractors who desire to bid thereon to do so.

i. To have general control of all public utilities owned or operated by the City.

j. To exercise general supervision over all privately owned utilities operated within the City so far as the same are subject to municipal control.

k. To see that the provisions of all franchises, leases, contracts, permits, and privileges, granted by the City, are fully observed, and to report to the council any violation thereof.

l. To have general supervision over all city property and equipment and its use for the public or by city employees.

m. To coordinate the work of personnel administration in the departments of the City under his control, subject to the rules and regulations of the council for the establishment and operation of a merit system.

n. From time to time, in order to facilitate the prompt, economical, and efficient dispatch of city business, he may organize the work of the departments under his control, assign assistants, deputies, and employees from any office or department of the City government under his control to perform work or service in connection with any other office or department thereof, or to work in more than one of said offices or departments.

o. To examine, or cause to be examined, without notice, the official conduct of any officer, assistant, deputy, clerk or employee in any of the departments of the City government, except of the council or the officers appointed by it.

p. To coordinate the purchasing for all departments of the City. No purchase shall be made without the approval of the city manager and city controller.

q. To appoint such committees as he may deem desirable to advise and assist him in his work, provided the members of such committees shall serve without compensation.

r. To perform such other duties as may be required by this charter or as the council may require of him. (Amended by Stats. 1969, Ch. 223, 6-26-69).

Sec. 7. City manager right of discussion; no vote. The city manager and such other officers of the City as may be designated by vote of the Council, shall be entitled to seats with the council, but shall have no vote therein. The city manager shall have the right to take part in the discussion of all matters coming before the council.

Sec. 8. Assistant city manager. The council may provide for the appointment of an assistant city manager. In such case he shall be appointed by the city manager with the approval of the council. He shall be under the supervision and direction of the city manager.

Sec. 9. City manager pro tem. In the absence or temporary disability of the city manager and his assistant, if one is appointed, the council shall appoint a city manager pro tem who shall possess the powers and discharge the duties of the city manager during such absence or disability; provided, however, that a city manager pro tem shall have no authority to appoint or remove any city officer or employee except with the two-thirds vote of the council, or as provided in the administrative code.

Sec. 10. Coercion by council members; campaign funds. No member of the council shall in any manner, directly or indirectly, by suggestion or otherwise, attempt to influence or coerce the city manager in the making of any appointment or removal, or in the purchase of supplies, or attempt to exact any promise relative to any appointment from any candidate for city manager, or discuss, directly or indirectly, with any such candidate, the matter of appointments to any city office or employment. Any violation of the foregoing provisions of this section shall constitute a misdemeanor and shall work a forfeiture of the office of the offending member of the council, who may be removed therefrom by the council or by any court of competent jurisdiction. Neither the city manager nor any person in the employ of the City shall take part in securing or shall contribute any money toward the nomination or election of any candidate for a municipal office. (Amended by Stats. 1972, Ch. 71, 7-7-72).

Sec. 11. Manager's kin disqualified. No person related to the city manager by consanguinity or affinity within the third degree shall hold any appointive office or employment with the City.

Sec. 12. Duties of appointive officers. The duties of the city clerk, attorney and controller shall be those normally exercised by such officers as provided in this charter and in the administrative code; provided, however, that the controller shall in addition have full charge of all accounting and billing in all departments, recommend the form in which the budget is to be adopted, and interpret the intent of the appropriation. (Amended by Stats. 1968, Ch. 163, 7-8-68).

Article V. Compulsory Arbitration for Fire and Police Department Employee Disputes

Sec. 1. Declaration of Policy. It is hereby declared to be the policy of the City of Palo Alto that strikes by firefighters and police officers are not in the public interest and should be prohibited, and that a method should be adopted for peacefully and equitably resolving disputes that might otherwise lead to such strikes.

Sec. 2. Prohibition Against Strikes. If any firefighter or peace officer employed by the City of Palo Alto wilfully engages in a strike against the City, said employee shall be dismissed from his or her employment and may not be reinstated or returned to City employment except as a new employee. No officer, board, council or commission shall have the power to grant amnesty to any employee charged with engaging in a strike against the City.

Sec. 3. Obligation to Negotiate in Good Faith. The City, through its duly authorized representatives, shall negotiate in good faith with the recognized fire and police department employee organizations on all matters relating to the wages, hours, and other terms and conditions of City employment, including the establishment of procedures for the resolution of grievances submitted by either employee organization over the interpretation or application of any negotiated agreement including a provision for binding arbitration of those grievances. Unless and until agreement is reached through negotiations between the City and the recognized employee organization for the fire or police department or a determination is made through the arbitration procedure hereinafter provided, no existing benefit or condition of employment for the members of the fire department or police department bargaining unit shall be eliminated or changed.

Sec. 4. Impasse Resolution Procedures. All disputes or controversies pertaining to wages, hours, or terms and conditions of employment which remain unresolved after good faith negotiations between the City and either the fire or police department employee organization shall be submitted to a three-member Board of Arbitrators upon the declaration of an impasse by the city or by the recognized employee organization involved in the dispute.

Representatives designated by the City and representatives of the recognized employee organization involved in the dispute, controversy or grievance shall each select one arbitrator to the Board of Arbitrators within three (3) days after either party has notified the other, in writing, that it

desires to proceed to arbitration. The third member of the Arbitration Board shall be selected by agreement between the two arbitrators selected by the City and the employee organization, and shall serve as the neutral arbitrator and Chairman of the Board. In the event that the arbitrators selected by the City and the employee organization cannot agree upon the selection of the third arbitrator within ten (10) days from the date that either party has notified the other that it has declared an impasse, then either party may request the State of California Conciliation Service to provide a list of seven (7) persons who are qualified and experienced as labor arbitrators. If the arbitrators selected by the City and the employee organization cannot agree within three (3) days after receipt of such list on one of seven (7) to act as the third arbitrator, they shall alternately strike names from the list of nominees until only one name remains and that person shall then become the third arbitrator and chairman of the Arbitration Board.

Any arbitration convened pursuant to this article shall be conducted in conformance with, subject to, and governed by Title 9 of Part 3 of the California Code of Civil Procedure.

At the conclusion of the arbitration hearings, the Arbitration Board shall direct each of the parties to submit, within such time limit as the Board may establish, a last offer of settlement on each of the issues in dispute. The Arbitration Board shall decide each issue by majority vote by selecting whichever last offer of settlement on that issue it finds most nearly conforms with those factors traditionally taken into consideration in the determination of wages, hours, and other terms and conditions of public and private employment, including, but not limited to, changes in the average consumer price index for goods and services, the wages, hours, and other terms and conditions of employment of other employees performing similar services, and the financial condition of the City and its ability to meet the cost of the award.

After reaching a decision, the Arbitration Board shall mail or otherwise deliver a true copy of its decision to the parties. The decision of the Arbitration Board shall not be publicly disclosed and shall not be binding until ten (10) days after it is delivered to the parties. During that ten day period the parties may meet privately, attempt to resolve their differences, and by mutual agreement amend or modify any of the decisions of the Arbitration Board. At the conclusion of the ten day period, which may be extended by mutual agreement between the parties, the decision of the Arbitration Board together with any amendments or modifications agreed to by the parties shall be publicly disclosed and shall be binding upon the parties. The City and the recognized employee organization shall take whatever action is necessary to carry out and effectuate the award.

The expense of any arbitration convened pursuant to this article, including the fee for the services of the Chairman of the Arbitration Board, shall be borne equally by the parties. All other expenses which the parties may incur individually are to be borne by the party incurring such expenses. (Added by amendment filed with the city clerk July 17, 1978).

Article VI. The Recall, Initiative and Referendum

Sec. 1. Recall. Proceedings may be commenced for recall of any council member by the service, filing and publication of a notice of intention to circulate a recall petition. Proceedings may not be commenced unless, at the time of commencement, such council member has held office for at least six (6) months and no recall petition has been filed against such council member within the preceding six (6) months.

The petition demanding the recall of the council member sought to be recalled, signed by registered voters equal in number to at least twelve (12) percentum of the number of registered voters at the last general municipal election, shall be filed with the clerk. One (1) election is sufficient for the recall of one (1) or more council members, but a separate petition is necessary to propose the recall of each council member.

No signature may be affixed to the petition until the proponents have served, filed and published a notice of intention to circulate a recall petition, containing the name of the council member sought to be recalled, a statement in not more than five hundred (500) words of the grounds on which the recall is sought, and the name and address of at least one proponent. The notice of intention shall be served, personally or by certified mail, on the council member sought to be recalled, and a copy thereof with a certificate of the time and manner of service shall be filed with the clerk. A separate notice of intention shall be filed for each council member sought to be recalled.

Within seven (7) days after the filing of the notice of intention, the council member sought to be recalled may file with the clerk an answer in not more than five hundred (500) words to the statement of the proponents and, if an answer is filed, shall serve a copy thereof, personally or by certified mail, on one of the proponents named in the notice of intention. The statement and answer are intended solely for the information of the voters and no insufficiency in the form or substance thereof shall affect the validity of the election or proceedings. The notice, statement and answer, if any, shall then be published in a newspaper of general circulation by the City Clerk.

No signature may be affixed to a recall petition until the County Registrar of Voters has received two blank copies of the petition and has advised the proponents in writing that the form and wording are in order.

Seven (7) days after the publication of the notice, statement and answer, if any, by the City Clerk and provided all the requirements of this section re Notice of Intention, answers, and form of petition have been met, the recall petition may be circulated and signed. The petition shall bear a copy of the notice of intention, statement and answer, if any. If the council member has not answered, the petition shall so state. Signatures shall be secured and the petition filed within ninety (90) days from the filing of the notice of intention. If such petition is not filed within the time permitted by this section, the same shall be void for all purposes.

The signatures to the petition need not all be appended to one paper, but said petition may be presented in sections. The number of signatures to each section shall be at the pleasure of the person soliciting signatures to the same. Any qualified voter of the municipality shall be competent to solicit said signatures. Unless and until it be proven otherwise by official investigation, it shall be presumed that the petition presented contains the signatures of the requisite number of qualified voters. Each signer of said petition shall at the time of signing the petition include his printed name and his place of residence, giving street and number, and if no street or number exists, then a designation of his place of residence which will enable the location to be readily ascertained and the name of the City. A place at least one-inch (1") wide shall be left blank after each name for the use of the clerk in verifying the petition.

Each section of the petition shall have attached to it a declaration signed by the circulator of that section of the petition, setting forth all of the following:

(a) The printed name of the circulator.

(b) The residence address of the circulator, giving street and number, or if no street or number exists, adequate designation of residence so that the location may be readily ascertained.

(c) That the circulator circulated that section and saw the appended signatures being written.

(d) That according to the best information and belief of the circulator, each signature is the genuine signature of the person whose name it purports to be.

(e) That the circulator is a registered voter of the electoral jurisdiction of the officer sought to be recalled.

(f) The dates between which all the signatures to the petition were obtained.

(g) The circulator shall certify to the content of the declaration as to its truth and correctness, under penalty of perjury, with the signature of his name at length, including given name, middle name or initial, or initial and middle name. The circulator shall date the declaration immediately following his signature.

Within fifteen (15) business days from the date of filing such petition, the clerk shall examine and ascertain from the records of registration whether or not said petition is signed by the requisite number of electors entitled to vote, and if necessary the council shall allow the clerk extra help for that purpose, and the clerk shall attach to said petition his certificate showing the result of said examination. If, by the said certificate, the petition is shown to be insufficient, it may be amended by additional signatures within ten (10) days from the date of said certificate. The clerk shall, within fifteen (15) business days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition to the same effect.

If the petition shall be found to be sufficient, the clerk shall submit the same to the council without delay, and the council shall thereupon order and fix a date for holding the said election within the time set by the general laws of the State of California. Candidates for this election shall file with the City Clerk within the nomination period set by the general laws of the State of California.

At least ten (10) days prior to the recall election, the clerk shall mail to each voter a sample ballot and a separate printed copy of the statement of the proponents and of the answer, if any, of the council member sought to be recalled. If the recall of more than one council member is sought, the statement and answer for each shall be printed together and shall be clearly distinguished from those of any other council member.

There shall be printed on the recall ballot, as to each council member whose recall is to be voted on, the question: "Shall (name of person) be recalled from the office of council member?" followed by the words "yes" and "no." If a majority of those voting on any question voted in favor of the removal of an incumbent, such incumbent shall be deemed removed from office upon the qualification of the successor.

On the recall ballot, under each question, there shall be printed the names of those persons who have been nominated in the manner provided herein as candidates to succeed the incumbent if such incumbent is recalled. No vote cast shall be counted for any candidate for the office unless the voter also voted on the question of the recall of the person sought to be recalled from that office. The name of the person against whom the petition is filed shall not appear on the ballot as a candidate for the office. If the vote recalls the council member, the candidate who has received the highest number of votes for the office shall be declared elected for the unexpired term of the former incumbent. If the person who received the highest number of votes fails to qualify within ten (10) days after receiving the certificate of election the office shall become vacant. Said election shall be conducted, returned, and the results thereof declared, in all respects as are all other municipal elections; provided, that if there be any conflict of provisions this charter shall control.

Sec. 2. Initiative. Any proposed ordinance may be submitted to the council by a petition signed by qualified and registered electors of the city equal in number to the percentage hereinafter required. The petition shall set forth a copy of the proposed ordinance.

An initiative petition, in order to be valid, must meet the following requirements:

(a) A notice of intention to circulate an initiative petition must be published in a newspaper of general circulation in the City once prior to the affixing of any signature to any petition and shall be substantially in the following form:

Notice of Intent to Circulate Initiative Petition

Notice is hereby given of the intention of the persons whose names appear hereon to circulate an initiative petition within the city of Palo Alto for the purpose of ..... A statement of the reasons of the proposed action as contemplated in said petition is as follows:

(b) A copy of the notice of intention, together with an affidavit of publication, shall be filed with the clerk prior to the affixing of any signature to any petition.

(c) Immediately after the publication and filing of the notice of intention to circulate, the initiative petition may be circulated and filed.

The signatures to the petition need not all be appended to one paper, but said petition may be presented in sections. Each section of the petition shall contain a copy of the notice of intention to circulate and a copy of the proposed ordinance. The number of signatures to each section shall be at the pleasure of the person soliciting signatures to the same. Any qualified voter of the municipality shall be competent to solicit said signatures. Unless and until it be proven otherwise by official investigation, it shall be presumed that the petition presented contain the signatures of the requisite number of qualified voters.

Each signer of said petition shall at the time of signing the petition include his printed name and place of residence, giving street and number, and if no street or number exists, then a designation of his place of residence which will enable the location to be readily ascertained and the name of the city. A place of at least one-inch (1") wide shall be left blank after each name for the use of the clerk in verifying the petition.

In addition to the requirements specified above, each section shall have attached thereto the affidavit of the person soliciting the signatures stating:

(1) The name and address of the circulator and a statement that he or she is a qualified registered voter.

(2) That all the signatures affixed to the section were made in his or her presence.

(3) That to the best of his or her knowledge and belief, each signature is the genuine signature of the person whose name it purports to be.

(4) The dates between which all signatures were obtained.

(5) The signature of the circulator. No other affidavit thereto shall be required.

Within fifteen (15) business days from the date of filing such petition, the clerk shall examine and ascertain from the records of registration whether or not said petition is signed by the requisite number of electors entitled to vote, and if necessary the council shall allow the clerk extra help for that purpose, and the clerk shall attach to said petition his certificate showing the result of said examination.

If the petition accompanying the proposed ordinance be signed by qualified and registered electors equal in number of six (6) percentum of the

number of registered voters at the last general municipal election the council must either pass such ordinance without alteration or submit the same to the electorate at the next general municipal election that shall occur at any time not less than eighty-eight (88) days from the date of the clerk's certificate of sufficiency. But if such petition is signed by qualified and registered electors equal in number to twelve (12) percentum of said number of registered voters at the last general municipal election and contains a request that such ordinance be submitted to a vote of the people at a special election, then the council must either pass the ordinance without alteration or submit the same to the electorate at a special election to be called within the period provided by the general laws of the State of California.

If the clerk's certification shows that the petition is insufficient by reason of the failure to obtain sufficient valid signatures thereon, a supplemental petition, in form a duplicate of the original petition, bearing new additional signatures may be filed within ten (10) days of the mailing of the certificate of insufficiency to the proponents of the initiative. Supplemental petitions shall be processed by the clerk in the same manner as set forth herein with respect to original petitions.

The ballots used when voting upon such proposed ordinance shall contain the words "For the Ordinance," and "Against the Ordinance" (stating the nature of the proposed ordinance). If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, such ordinance shall become a valid and binding ordinance of the City. The council may at such election submit any amendment thereto that it may deem proper, and the ballots used at such election shall contain the words "For the Amendment," or "Against the Amendment," ordinance (naming the ordinance), and also stating the nature of the proposed amendment. If a majority of the qualified electors voting on said proposed amendment shall vote in favor thereof, such ordinance shall thereupon be deemed amended in accordance therewith. The council may also propose and submit any ordinance to the electors, and such ordinance, upon receiving a majority of the votes of the electors voting thereon, shall be deemed to have been adopted and shall be a valid and binding ordinance of the City. Such ordinances shall be considered as adopted upon the date the council conducts the official canvas of the election and shall go into effect ten days after that date. Any ordinance adopted by the electors under the provisions of this section cannot be repealed or amended, except by a vote of the people obtained in the manner hereinabove stated, unless such ordinance shall otherwise provide.

Any number of proposed ordinances may be voted upon at the same election in accordance with the provisions of this section; provided, that there shall not be held under this section of the charter more than one special election in any period of twelve months.

Sec. 3. Referendum. Any ordinance, other than such as may be required to be passed at a particular time or for the purpose of complying with a

charter or general law, and excepting such ordinances or measures for the immediate preservation of the public peace, health, or safety, shall be subject to a referendum as herein provided. Provided further that the petition for such referendum be filed within thirty (30) days from the final passage of such ordinance, and the same shall not be effective during said period during which the same is subject to referendum.

The council may, of its own motion, submit any ordinance or question of policy to a referendum.

A referendum petition asking that a particular ordinance named therein be submitted to a vote of the electorate, in order to be valid, must meet the following requirements:

(a) A notice of intention to circulate a referendum petition must be published in a newspaper of general circulation in the City once prior to the affixing of any signature to any petition and shall be substantially in the following form:

Notice of Intent to Circulate Referendum Petition

Notice is hereby given of the intention of the persons whose names appear hereon to circulate a referendum petition within the City of Palo Alto for the purpose of ..... A statement of the reasons of the proposed action as contemplated in said petition is as follows:

(b) The notice of intention shall be filed with the clerk prior to the affixing of any signature to any petition.

(c) Immediately after the publication and filing of the notice of intention to circulate the referendum petition may be circulated and filed. The petition shall bear a copy of the notice of intention to circulate. Signatures shall be secured and the petition filed within thirty days of the date of the adoption or passage of the ordinance filed with the clerk. If such petition is not filed within the time required by this section, the same shall be void for all purposes.

The signatures to the petition need not all be appended to one paper, but said petition may be presented in sections. Each section shall contain the number and title of the ordinance proposed to be referended and a statement that the purpose of the petition is to referend such ordinance. The number of signatures to each section shall be at the pleasure of the person soliciting signatures to the same. Any qualified voter of the municipality shall be competent to solicit said signatures. Each signer of said petition shall at the time of signing the petition include his printed name and place of residence, giving street and number, and if no street or number exists, then a designation of his place of residence which will enable the location to be readily ascertained and the name of the City. A place of at least one inch wide shall be left blank after each name for the use of the clerk in verifying the petition.

Each section shall have attached thereto the affidavit of the person soliciting signatures to the same stating:

(1) The name and address of the circulator and a statement that he or she is a registered voter of Palo Alto.

(2) That all the signatures affixed to the section were made in his or her presence.

(3) That to the best of his or her knowledge and belief, each signature is the genuine signature of the person whose name is purports to be.

(4) The dates between which all signatures were obtained.

(5) The signature of the circulator. No other affidavit thereto shall be required.

Unless and until it be proven otherwise by official investigation, it shall be presumed that the petition presented contains the signatures of the requisite number of qualified voters.

Within fifteen (15) business days from the date of filing such petition, the clerk shall examine and ascertain from the records of registration whether or not said petition is signed by the requisite number of electors entitled to vote, and if necessary the council shall allow the clerk extra help for that purpose, and the clerk shall attach to said petition his certificate showing the result of said examination. If the clerk's certification shows that the petition is insufficient by reason of the failure to obtain sufficient valid signatures thereon, a supplemental petition, in form a duplicate of the original petition, bearing new additional signatures may be filed within ten (10) days of the mailing of the certificate of insufficiency to the proponents of the referendum. Supplemental petitions shall be processed by the clerk in the same manner as set forth herein with respect to original petitions. If the petition is signed by qualified and registered electors equal in number to six (6) percentum of the number of registered voters at the last general municipal election and the petition shall be found to be sufficient, the clerk shall submit the same to the council without delay and it shall be the duty of the council to reconsider such ordinance. If the council fails to entirely repeal such ordinance, it shall be the duty of the council to submit the question of the approval or rejection of such ordinance to the electors at the next general municipal election or a special election that shall be held not less than eighty-eight (88) days from the date of the clerk's certificate of sufficiency and, until such election is held and the ordinance approved by the electors, such ordinance shall be suspended and inoperative.

The ballots used when voting upon such ordinance shall contain the words "For the Ordinance" and "Against the Ordinance" (stating the nature of the proposed ordinance). If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, such ordinance shall become a valid and binding ordinance on the City.

If the ordinance voted upon is approved, it shall have the same force and effect of any other ordinance adopted by council and may be amended at any time as though no election were held. If the ordinance voted upon is disapproved, the council may not adopt a substantially similar ordinance for a period of at least one (1) year from the date of election. (Amended by Stats. 1972, Ch. 71, 7-7-72 and by Stats. 1982, Ch. 30, 12-10-82).

Article VII. Miscellaneous

Sec. 1. Interest of officers in contracts. No officer of the City shall be interested in any contract entered into by the City, and the general laws of the state forbidding city officials to be so interested are hereby made a part of this charter.

Sec. 2. Public utilities revenue. The revenue of each public utility shall be kept in a separate fund from all other receipts and shall be used for the purposes and in the order as follows:

a. For the payment of the operating and maintenance expenses of such utility, including the necessary contribution to retirement of its employees.

b. For the payment of interest on the bonded debt incurred for the construction or acquisition of such utility.

c. For the payment of the principal of said debt, as it may become due.

d. For capital expenditures of such utility.

e. For the annual payment into a reserve fund for contingencies, of an amount not to exceed ten percent of the expenditure for capital outlay for the year, exclusive of bond fund expenditures. The total accumulated in this reserve for contingencies shall at no time exceed five percent of the book value of the utility's capital in service. This reserve fund shall be available for use by the utility, only for replacements or emergency repairs and after special appropriation by the council.

f. The remainder shall be paid into the general fund by quarterly allotments.

Sec. 3. Candidates' designation. No ballot used at any municipal election shall contain any reference to a political party, and no designation or symbol shall be placed in connection with the name of any candidate. The order of listing of candidates' names on the ballot shall be determined by lot. (Amended by Stats. 1967, Ch. 103, ACR No. 106 and by Stats. 1969, Ch. 223, 6-26-69 and by Stats. 1972, Ch. 71, 7-7-72).

Sec. 4. No franchise without grant. No person, firm or corporation shall ever exercise any franchise, license, permit, easement, privilege or other use, except in so far as he or it may be entitled to do so by direct authority of the Constitution of the State of California, or of the Constitution or laws of the United States, in, upon, over, under or along any street, highway or other public place in the City unless he or it shall have first obtained a grant therefor in accordance with the provisions of this charter.

Sec. 5. Effective date of tax liens. (Repealed by Stats. 1968, Ch. 163, 7-8-68).

Sec. 6. Contracts; **lowest responsible bidder.** In the erection, improvement or repair of all public buildings and works, and in all street and

sewer work, the cost of which is to be paid from funds realized by bonded indebtedness of the City or by assessment against any particular property in the City, the work shall be let to the lowest responsible bidder; provided, however, the council may reject any and all bids if deemed excessive, and readvertise for bids or provide for the work to be done by the City.

In case no bid is received, the council may likewise provide for the work to be done by the City.

When the estimate of the cost of said work by the City Engineer shows the said work can be done for an equal or less cost than that of the lowest bid, then any of the work herein mentioned may be done by the City, and the City shall be deemed the contractor, with the right to enforce all liens, and with the same powers, rights, duties, and obligations as are made and provided by the laws of the state for contractors who have entered into contracts to do such work as the lowest responsible bidder.

The council shall have power to adopt ordinances for the purpose of carrying out these provisions, and such ordinances shall be supplemental to the existing laws of the State, and shall have the same force and effect.

Sec. 7. Lease of city land. The Council may lease or sub-lease real property owned or leased by the City for a period not to exceed fifty years. Nothing herein shall be deemed to ratify, validate or extend the term of any lease outstanding on the effective date of this section. (Amended by Stats. 1961, Ch. 190, 6-7-61).

Sec. 8. Effect of charter amendments; officers. All officers, deputies, assistants, and employees in office or employment when this charter or its amendments take effect, shall continue to hold and exercise their respective offices or employment, under the terms of this charter, until removed or until the appointment and qualification of their successors.

Sec. 9 Charter amendment; vested rights; contracts; etc. All vested rights of the City shall continue and shall not in any manner be affected by the amendment of this charter, unless specifically so provided, nor shall any right, liability, pending suit or prosecution, either in behalf of or against the City, be affected by the amendment of this charter, unless otherwise herein expressly provided. All contracts entered into by the City prior to the taking effect of the amendments to this charter shall be continued and perfected thereunder. Public improvements for which legislative steps shall have been taken under laws in force at the time these amend-

ments take effect, may be carried to completion in accordance with the provisions of such laws.

Sec. 10. Effect of charter amendments; pension; retirement. The pension and retirement rights and privileges of officers and employees of the City at the time this charter is amended, shall not be adversely affected by its provisions unless specifically provided herein.

Sec. 11. Severability provision. If any section or part of a section of this charter proves to be invalid, it shall not be held to invalidate or impair the validity of any other section or part of a section, unless it clearly appears that such other section or part of a section is dependent for its operation upon this section or part of a section so held invalid.

Article VIII.[1] Parks[2]

(This Article amended by Stats. 1969, Ch. 223, 6-26-69).

All lands owned or controlled by the City which are or will be used for park, playground, recreation or conservation purposes shall be dedicated for such purposes by ordinance.[3]

No land heretofore or hereafter dedicated for such purposes shall be sold or otherwise disposed of, nor shall its use be abandoned or discontinued except pursuant to majority vote of the electorate. Any election and related procedures under Article VIII shall conform to the provisions set forth in general law as it existed January 1, 1965, except that the council may call such election by majority vote.

No substantial building, construction, reconstruction or development upon or with respect to any lands so dedicated shall be made except pursuant to ordinance subject to referendum.

Article VIII-A. Board of Education

(This Article added by Stats. 1951, Ch. 40, 3-14-51).

Sec. 1. Members; number; residency; compensation. The Board of Education of the Palo Alto Unified School District shall consist of five members who are residents of the territory of the unified school district, or any additions thereto. They shall serve without compensation.

Sec. 2. Effect of amendment; term. (a) The members of the Board of Education holding office when this amendment takes effect shall continue in office until their respective terms of office shall expire and until their successors are elected and qualified.

(b) **Time of election.** The election and recall of members of the Board of Education shall be held at the times and in the manner provided by the Education Code of the State of California. (Amended by amendment filed with the city clerk July 17, 1978).

(c) **Term of office.** The term of office of the members of the Board of Education, shall be four years from and after the first day of the month

1. Formerly Article VIII Alcoholic Liquors, repealed by Stats. 1965, (ARC No. 20).
2. Disposal of park lands – See Appendix A.
3. See Ordinances 2252, 2269, 2284, 2300, 2351, 2467.

succeeding their election and until their successors are elected and qualified. The term of office of the members of the Board of Education which commenced July 1, 1975, shall expire in 1979. The term of office of the member of the Board of Education which commenced April 1, 1977, shall expire in 1981. The term of office of the member of the Board of Education which commenced April 1, 1978, shall expire in 1983. (Amended by amendments filed with the Secretary of State, July 1, 1976; July 17, 1978 and May 30, 1979).

(d) **Vacancies.** Vacancies on the Board of Education shall be filled by appointment by the Board and such appointee shall hold office until the next regular election of members of the Board and until their successors are elected and qualified. At said next regular election succeeding any vacancy, a member shall be elected to serve for the unexpired term and until his successor is elected and qualified. (Amended by Stats. 1969, Ch. 223, 6-26-69).

Sec. 3. Powers and duties. The powers and duties of the Board of Education shall be those prescribed by the Constitution, Education Code, and general laws of the State of California, as they may now exist or may hereafter be amended.

Sec. 4. Superintendent of schools; appointment. The Board of Education shall appoint a Superintendent of Schools. He shall be the chief executive officer of the Board and shall enforce all rules and regulations of the board and the Education Code of the State. He shall also act as ex officio secretary and clerk of the board.

Article IX. Amendments

Sec. 1. Compliance with Constitution. This chapter may be amended on compliance with the provisions of the Constitution of the State of California. (Amended by Stats. 1969, Ch. 223, 6-26-69).

Sec. 2. Submission to electorate; canvass. The council must make all necessary provisions for submitting the proposed amendments to the electors, and shall canvass the votes in the same manner as in other elections.

Sec. 3. Wording of ballots. The ballots used at such elections shall contain the words "For the Amendment" and "Against the Amendment" (stating the nature of the proposed amendment).

Article X. Effective Date of Amended Charter

This amended charter shall take effect on the first day of July, 1950, at twelve o'clock noon. All ordinances, resolutions, and regulations in force at the time of the approval of this amended charter by the legislature are

hereby continued in full force and effect until the same shall be amended or repealed, and if inconsistent with this amended charter, until the first day of July, 1950, at twelve o'clock noon. The members of the council in office at the time of the approval of this amended charter by the legislature shall continue to hold office and discharge their duties until the expiration of their terms of office and the election and qualification of their successors.

APPENDIX A

(See Section 3, Article VIII, Parks, Added by Stats. 1965, ACR No. 161).

EXCERPT FROM CALIFORNIA GOVERNMENT CODE ART. 2, CH. 9, PART 2, DIV. 3, TITLE 4, COMMENCING AT SECTION 38440, AS SAID ARTICLE EXISTED ON JANUARY 1, 1965.

Article 2. Parks Dedicated by City

Sec. 38440. Abandonment and disposal; authority. A city may discontinue and abandon the use as a public park of any land owned in fee by it and dedicated or placed in such use by such city, and thereafter dispose of the land, pursuant to this article.

Sec. 38441. Exchanges; authority; conditions. Without a special election, the legislative body may convey a minor portion of such a park in exchange for an equal or greater area or value of privately owned land contiguous to the park after:

(a) Notice and a public hearing pursuant to this article.

(b) Determination that the exchange is in the public interest.

(c) Adoption of a resolution of discontinuance.

Sec. 38442. Prohibited discontinuances. Except as provided in Section 38441, this article shall not be construed to authorize:

(a) A discontinuance and abandonment, or change in the use, of such lands which will cause the reversion of the lands to private ownership or a forfeiture of the city's ownership in fee.

(b) The discontinuance of the use of park lands acquired by funds obtained from a local assessment based on benefits.

Sec. 38443. Initiation of proceedings; resolution. Proceedings are initiated when the legislative body adopts a resolution declaring that public interest or convenience requires the discontinuance of the use of such land as a public park, and that the legislative body intends to call a special election to submit the question of discontinuance to the city electors.

Sec. 38444. Resolution; contents. The resolution shall:

(a) Contain an accurate description of the lands.

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(b) State the common name of the park.

(c) State the disposition which the legislative body proposes to make of the park.

(d) Fix a time, not less than thirty nor more than sixty days after adoption of the resolution, and a place, at which the public or persons particularly interested may protest.

Sec. 38445. Resolution; publication. The city clerk shall cause the resolution to be published twice in a daily newspaper published and circulated in the city, or if there is none, twice in a weekly or semiweekly newspaper so published and circulated. If there are no such newspapers, the resolution shall be published twice in a newspaper published in the county. Publication shall be completed at least twenty days before the time set for the hearing.

Sec. 38446. Notices of resolution; posting. The park superintendent or another person designated by the legislative body shall cause at least

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three notices of the adoption of the resolution to be posted conspicuously not more than three hundred feet apart along the exterior boundaries of the area proposed to be discontinued and abandoned as a public park. Posting shall be completed at least twenty days before the time set for the hearing. Failure to post the notices does not invalidate the proceedings or prevent the legislative body from acquiring jurisdiction to proceed with the discontinuance and abandonment.

Sec. 38447. Notices of resolution; heading and contents. The posted notices shall be headed: "Notice of proposed discontinuance of public park land" in legible characters, state the date of adoption of the resolution, and recite the facts contained in the resolution.

Sec. 38448 Protests. At any time before the hour set for the hearing, any person or persons interested may protest in writing against the proposed abandonment and discontinuance, or to the extent thereof. The protest shall be delivered to the clerk of the legislative body.

Sec. 38449. Protests; hearing. At the time set for the hearing or to which it is postponed, the legislative body shall hear and pass upon all such protests.

Sec. 38450. Protests; rulings; call of special election. Protests are sustained unless overruled by two-thirds vote of the legislative body. The legislative body may sustain protests as to one portion, and overrule them as to another portion of park land. If protests are overruled, the legislative body may adopt an ordinance calling, and fixing date of, a special election to submit to the city electors the question of discontinuance and abandonment of the use of park land on which protests were overruled.

Sec. 38451 Special election; affirmative vote; ordinance of discontinuance. If a majority of the electors voting on the proposition are in favor of it, the legislative body shall adopt an ordinance declaring that use of the land described in the ordinance calling the election for park purposes is discontinued and abandoned.

Sec. 38452. Special election; negative vote; continuance of park. If less than a majority of such electors vote for it, the legislative body shall not initiate proceedings for discontinuance of the use of such land for park purposes for one year after the election.

Sec. 38460 Effect of ordinance; authority to dispose of property. When the ordinance becomes effective, the land described in it is deemed held by the city in fee. The city may sell or otherwise dispose of the property in the same manner as it may dispose of other city property no longer required for municipal purposes.

Note: Secs. 38453 through 38459 were repealed by the state legislature in 1951.

Sec. 38461 Proceeds of sale; bond fund; general fund. If the land was acquired by money derived from bonds authorized for park purposes, and the land sold, the reasonable market value of the land at the time of adoption of the ordinance shall be transferred to the bond fund from such other municipal fund as the legislative body determines. If the land was not acquired from bond funds and the land is sold, the proceeds from such sale shall be deposited in the general fund of the city.

Sec. 38462. Proceeds of sale; use after deposit in bond fund. Except as permitted by general laws allowing diversions of bond funds, money so transferred shall be devoted only to the purposes for which the bonds were authorized.

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